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DATE MAILED: 07/29/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/706,491	11/03/2000	Gregory E. Ross	RI-69912/MAK	6486
75	90 07/29/2003			
Michael A Kaufman			EXAMINER	
Flehr Hohbach Test Albritton & Herbert LLP Four Embarcadero Center			BARR, MICHAEL E	
Suite 3400 San Francisco, CA 94111-4187			ART UNIT	PAPER NUMBER
,			1762	101

Please find below and/or attached an Office communication concerning this application or proceeding.

issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-22. Claim(s) objected to: 24. Claim(s) objected to: 23, 25-35, 47, 55-63. Claim(s) withdrawn from consideration: 36-46 and 48. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Michael Barr Primary Examiner		Application No. Applicant(s)					
THE REPLY FILED 22 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper rappy to a final rejection under 37 CPR 1.13 may only be either. (f) a timely filed amendment which lacks the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CPR 1.144. PERIOD FOR REPLY [check either a) or b)] The period for reply expires	Advisory Action	<u></u>					
The REPLY FILED 22 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment which places the application in condition for allowance. (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. a) The period for reply expires on: (1) the malling date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be saturately period for reply expires on: (1) the malling date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be activately period for reply expires on: (1) the malling date of this Advisory Action, or (2) the date set forth in the final rejection. Only CCHECK THS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN		Examin r	Art Unit				
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10. Other: Michael Barr Primary Examiner		•	•				
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Primary Examiner							
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Continuation of 2. NOTE: the new limitations of the requirement of the modifying occurring during the formation of the pattern raises a new issue which requires further search and consideration.

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ADVISORY ACTION

1. The applicant has argued that the finality of the rejection against Claims 32 and 60, since the applicant cannot find the basis for the 35 USC 102 rejection over the Hill reference. The examiner points out paragraph 8 of Paper No. 14, mailed 11/6/2002, which rejects Claims 32 and 60 under 35 USC 102 over the Hill reference. This "new" rejection of Claim 32 under 35 USC 102 was necessitated by the applicant's amendment filed 10/21/2002. The 35 USC 102 rejection of Claim 60 over the Hill reference was first made in paragraph 4 of Paper No. 8, mailed 4/16/2002, and this was necessitated by the applicant's amendment filed 3/8/2002. The basis for the rejections of Claims 32 and 60 is found in paragraph 10 of the first office action, Paper No. 2, mailed 6/1/2001, as is clearly referred to in Paper Nos. 8 and 14. Therefore, it is the position of the examiner that the basis for the 35 USC 102 rejections of Claim 32 and 60 have been set forth by the previous office actions and thus the finality of the rejection was proper and is being maintained.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Barr whose telephone number is 703-305-7919. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on 703-308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 or 703-305-5408 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Michael Barr Primary Examiner Art Unit 1762 Page 3

MB

July 28, 2003